

FILE NO. A14-1843

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against MATTHEW THOMPSON NIELSEN,
a Minnesota Attorney,
Registration No. 0230698.

**STIPULATION
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Martin A. Cole, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Matthew Thompson Nielsen, attorney, hereinafter respondent.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. Pursuant to the Rules on Lawyers Professional Responsibility (RLPR), the parties agree to dispense with further proceedings under Rule 14, RLPR, and respondent agrees to the immediate disposition of this matter by the Minnesota Supreme Court under Rule 15, RLPR.
2. Respondent understands this stipulation, when filed, will be of public record.
3. It is understood that respondent has certain rights pursuant to Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition, the supplementary petition, and the second supplementary petition; to have the second supplementary petition presented to the Lawyers Professional Responsibility Board Chair for approval; to have the referee make findings

and conclusions and a recommended disposition; to contest such findings and conclusions; and to a hearing before the Supreme Court upon the record, briefs and arguments.

4. Respondent withdraws the answers filed herein, if any, and unconditionally admits the allegations of the petitions.

5. Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanctions the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is a four-month suspension pursuant to Rule 15, RLPR. The suspension shall be effective 14 days from the date of the Court's suspension order. Respondent may file a petition for reinstatement not more than sixty (60) days prior to the expiration of the four-month suspension period. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 plus interest pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e), RLPR; and (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR.

7. The attached memorandum is made a part of this stipulation.

8. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

9. Respondent hereby acknowledges receipt of a copy of this stipulation.

10. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: April 29, 2015. M.A. Cole
MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 0148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: April 29, 2015. K.T. Slator
KEVIN T. SLATOR
SENIOR ASSISTANT DIRECTOR
Attorney No. 0204584

Dated: April 29, 2015. Matthew Thompson Nielsen
MATTHEW THOMPSON NIELSEN
RESPONDENT

Dated: APRIL 29, 2015. William L. Davidson
WILLIAM L. DAVIDSON
ATTORNEY FOR RESPONDENT
Attorney No. 0210201
1300 AT&T Tower
901 Marquette Avenue South
Minneapolis, MN 55402
(651) 333-3637

MEMORANDUM

Respondent's misconduct includes lack of diligence, lack of communication, and several instances of misleading or lying to clients to conceal respondent's lack of diligence or an adverse outcome in a case. In addition, respondent's misconduct was committed while he was on public probation for prior similar misconduct. Absent significant mitigating factors, such misconduct would warrant a suspension of longer than four months.

Respondent has suffered from depression and anxiety since at least 2011. Respondent has undergone appropriate and continuous treatment for his illness and has been compliant with treatment recommendations. While respondent's illness may not meet the factors of *In re Weyhrich*, 339 N.W.2d 274 (Minn. 1983), it has caused respondent to suffer from extreme stress. It has also led to respondent's decision to leave the practice of law and pursue a career in teaching. Respondent's extreme stress, in conjunction with his psychological disorder, contributed to his misconduct and therefore is a mitigating factor. *In re Fairbairn*, 802 N.W.2d 734, 745 (Minn. 2011).